

09-21-04
DAC

ANDREWS
ATTORNEYS **KURTH** LLP

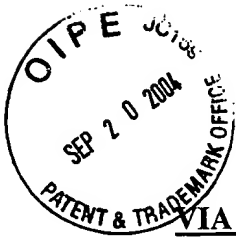
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SEP 23 2004

OFFICE OF PETITIONS

111 Congress Avenue, Suite 1700
Austin, Texas 78701
512.320.9200 Phone
512.320.9292 Fax
andrewskurth.com

Scott Denko
(512) 320.9259 Direct
scottdenko@andrewskurth.com



September 20, 2004

VIA EXPRESS MAIL NO. EV434215647US

Assistant Commissioner for Patents
Attn: Tom Hawkins
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED H14

SEP 30 2004

Technology Center 2100

Re: Application No.: 09/494,765
Filing Date: 01/31/00
Title: Software Analysis System Having An Apparatus For Selectively Collecting
Analysis Data From A Target System Executing Software Instrumented With Tag
Statements And Method For Use Thereof
Inventor: Derrick Jason Birum
Assignee: Metrowerks Corporation
Examiner: Chameli Das
Group: 2122
Atty Docket No.: 650059.420

Dear Assistant Commissioner:

Enclosed please find a copy of the following which were previously filed with the U.S. Patent and Trademark Office on April 16, 2004:

1. Petition To Withdraw Holding of Abandonment Based On Failure To Receive Office Action;
2. Express Mail receipt dated 04/16/04; and
3. Return Postcard marked "Received by Office of Petitions 04/19/04"; and

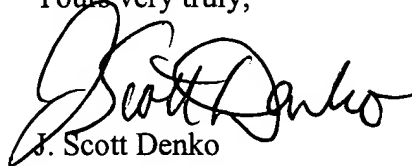
We spoke with the examiner, Chameli Das, regarding this matter. She indicated we should file another copy of the petition because she has not seen it. Accordingly, please file and make the afore-mentioned documents a part of the record hereof.

We believe that no fees are due related to the filing of the above-referenced Petition. If, however, the Commissioner deems that fees are due, then the Commissioner is hereby authorized to debit the costs of such fees to Deposit Account No. 50-0897 on which account the undersigned is authorized to charge.

Assistant Commissioner for Patents
September 20, 2004
Page 2 of 2

Please return the enclosed postcard to confirm receipt of the above-referenced items.

Yours very truly,

A handwritten signature in black ink, appearing to read "J. Scott Denko". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

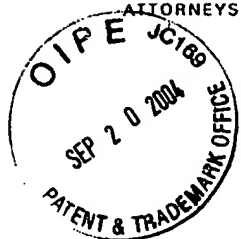
J. Scott Denko
Registration No. 37,606

JSD/ad
Encls.

ANDREWS

ATTORNEYS

KURTH LLP



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SEP 23 2004

OFFICE OF PETITIONS

111 Congress Avenue, Suite 1700
Austin, Texas 78701
512.320.9200 Phone
512.320.9292 Fax
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Scott Denko
(512) 320.9259 Direct
scottdenko@andrewskurth.com

April 16, 2004

VIA EXPRESS MAIL NO. EV434215616US

Commissioner for Patents
Mail Stop Petition
Attn: Tom Hawkins
P.O. Box 1450
Alexandria, VA 22313-1450

EV434215616US

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SEP 30 2004

Technology Center 2100

Re: Application No.: 09/494,765
Filing Date: 01/31/00
Title: Software Analysis System Having An Apparatus For Selectively Collecting
Analysis Data From A Target System Executing Software Instrumented With Tag
Statements And Method For Use Thereof
Inventor: Derrick Jason Birum
Assignee: Metrowerks Corporation
Examiner: Chameli Das
Group: 2122
Atty Docket No.: 650059.420

Dear Commissioner:

Please find enclosed for filing the following:

1. Petition To Withdraw Holding of Abandonment Based On Failure To Receive Office Action; and
2. A return postcard for confirmation of receipt.

We believe that no fees are due related to the filing of the above-referenced Petition. If, however, the Commissioner deems that fees are due, then the Commissioner is hereby authorized to debit the costs of such fees to Deposit Account No. 50-0897 on which account the undersigned is authorized to charge.

Please return the enclosed postcard to confirm receipt of the above-referenced items.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Scott Denko".

J. Scott Denko

Registration No. 37,606



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

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SEP 30 2004

Technology Center 2100

Serial No.: 09/494,765

Title: Software Analysis System Having An Apparatus For Selectively Collecting
Analysis Data From A Target System Executing Software Instrumented With The
Statements And Method For Use Thereof

Inventor: Derrick Jason Birum

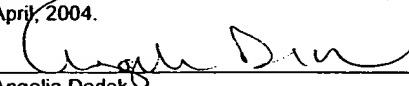
Assignee: Metrowerks Corporation

Filing Date: 01/31/00

Examiner: Chameli Das

Group: 2122

Assistant Commissioner for Patents
Mail Stop Petition
Attn: Tom Hawkins
P.O. Box 1450
Alexandria, VA 22313-1450

<p>CERTIFICATE OF MAILING UNDER 37 CFR §1.10 I hereby certify that this paper or fee is being deposited with the United States Postal Service via Express Mail EV434215616US addressed to Assistant Commissioner for Patents, Mail Stop Petition, P.O. Box 1450, Alexandria, VA 22313-1450 on the <u>16</u> day of April, 2004.  Angela Dedek</p>
--

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

The Applicant respectfully petitions the U.S. Patent and Trademark Office to withdraw the holding of abandonment of Patent Application No. 09/494,765 under *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971) and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 O.G. 53 (Nov. 16, 1993).

Regarding the above-referenced application, the Applicant received a Notice of Abandonment mailed on April 8, 2004 which states as the cause of abandonment failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of a Notice of Allowance and Issue Fee Due. Neither the Applicant or Applicant's representative received a Notice of Allowance and Issue Fee Due in this matter.

REPLY AND STATEMENT

The Notice of Abandonment was mailed on April 8, 2004 and states as the cause of abandonment failure to timely pay a required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of a Notice of Allowance and Issue Fee Due. A copy of the Notice is attached as Exhibit "A".

The Applicant never received a Notice of Allowance and Issue Fee Due in this matter. A search of the file jacket and docket records maintained by the office of the Applicant's representative indicates that such Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered *had it been received* and docketed is attached as Exhibit "B".

The Applicant filed a "Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address" on October 29, 2003, which is attached as Exhibit "C". The filing of the Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address is evidenced by a copy of the return receipt postcard bearing the stamp of the United States Patent and Trademark Office indicating its receipt.

The Applicant hereby requests that a copy of the Notice of Allowance and Issue Fee due be promptly transmitted by facsimile to the Applicant's undersigned attorney at (512) 320-9292 so that Applicant may submit the required Issue Fee and Publication Fee, if applicable.

PETITION FEE


The Applicant believes that no fee is due with the filing of this Petition. However, if the Commissioner determines that such a fee is due, the Commissioner is hereby authorized to debit such fees from the firm Deposit Account No. 50-0897 on which the undersigned is authorized to sign.

SUMMARY

The Commissioner is hereby authorized to charge any fee deficiency to our deposit account 50-0897.

The Applicant respectfully requests an early decision on this Petition and appreciates the attention of the Petitions Office and the Petitions Examiner. The Applicant asks that the Decision on Petition be transmitted by facsimile to the Applicant's undersigned attorney at (512) 320-9292. The Applicant additionally requests a copy of the Notice of Allowance and Issue Fee Due be transmitted by facsimile to the Applicant's undersigned attorney at (512) 320-9292. Should the Petitions Examiner have any questions upon which the Applicant's attorney may be able to provide assistance, a phone call to the Applicant's attorney at the phone number listed below would be welcome.

Respectfully submitted,

By: 
J. Scott Denko
Attorney for Applicant
Registration No. 37,606

ANDREWS KURTH, L.L.P.
111 Congress Ave., Suite 1700
Austin, Texas 78701-4069
(512) 320-9259 (office)
(512) 320-9292 (facsimile)

Date: April 16, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,765	04/08/2004	Derrick Jason Birum	120073.420	3907

36485 7590 04/08/2004

J. SCOTT DENKO
ANDREWS & KURTH LLP
111 CONGRESS AVE., SUITE 1700
AUSTIN, TX 78701

EXAMINER

DAS, CHAMELI

ART UNIT	PAPER NUMBER
----------	--------------

2122

DATE MAILED: 04/08/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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Technology Center 2100

Date Received: 4/15/04
Date Due: _____
Docketed by: _____

Exhibit "A"



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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494765



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Technology Center 2100

EXAMINER

ART UNIT

PAPER NUMBER

13

DATE MAILED:

NOTICE OF ABANDONMENT

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term



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Respond to the Notice of Abandonment by one of the following:

Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA 22313-1450

By facsimile: 703-305-8755 or 703-305-4372

Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website - <http://www.uspto.gov>

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.

As of 4/12/04

METROWERKS PATENT DOCKET

	Appl. No.	Filing Date	US Patent No	Inventors	Status - Last Action	Action Needed
Software Analysis System Having an Apparatus for Selectively Collecting Analysis Data From a Target System Executing Software Instrumented with Tag Statements and Methods for Use Thereof (420)	09/494,765	1/31/00		Birum; Ellis; Tinker	10/28/03 - Filed Amendment and Response 10/29/03 - Filed Revocation of POA with New POA and Change of Correspondence Address 3/30/04 - Rec'd Notice of Acceptance of POA from PTO	



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Technology Center 2100

Exhibit B



PATENT APPLICATION INDEX

Docket No. 650659420
Inventor: Dennis Jaso, Shrum, Richard Donald Ellis and Jeffrey Lee Finkel
Invention Title: SOFTWARE ANALYSIS SYSTEM HAVING AN APPARATUS FOR SELECTIVELY COLLECTING ANALYSIS DATA FROM A TARGET SYSTEM EXECUTING SOFTWARE INSTRUMENTED WITH TAG STATEMENTS AND METHOD FOR USE THEREOF
U.S. Filing Date: January 31, 2000
U.S. Application No. 09/494,765
Examiner: Phone No. 0
Art Unit: 2762
File History:
Small Entity: NO
Assigned To: Metrowerks, recorded on 04/28/03, at Reel 013609, Frame 0862
General Authorization Filed: January 31, 2000

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Technology Center 2100

	Document	Date Filed with PTO	Date Mailed from PTO	Due Date
1.	Application (w/ Dec. Assign. , General Authorization and Information Disclosure Statement)	01/31/2000		
2.	Request for Refund and Small entity Statement	03/15/00		
3.	Acknowledgement of Request for Refund		03/28/00	
4.	Recorded Assignment		04/18/00	
5.	FILING RECEIPT		04/25/00	
6.	European Search Report rcvd from foreign associate		06/20/01	08/20/01
7.	Supplemental Information Disclosure Statement w/EP Search	08/15/01		
8.	Supplemental IDS with 12 References	06/01/03		
9.	Recorded Assignment -Assigned to Metrowerks	04/28/03		
10.	Office Action	04/28/03	07/28/03	
11.	<i>Petition for extension of time; amendment's response</i>	10/28/03		10/28/03
12.	<i>Revocation of Pwr of Atty with New Pwr Atty's name</i>	10/28/03		
13.	<i>Change of Law Address</i>			
13.	Notice of Abandonment		4/8/04	
14.	Notice of Acceptance of POA		3/30/04	
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				

ANDREWS

ATTORNEYS

KURTH LLP



Andrews & Kurth L.L.P.
111 Congress Avenue, Suite 1700
Austin, Texas 78701
512.320.9200 Phone
512.320.9292 Fax
andrewskurth.com

J. Scott Denko
512.320.9259 Direct
scottdenko@akllp.com@andrewskurth.com

October 29, 2003

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Technology Center 2100

BY EXPRESS MAIL
AIRBILL NO. EV271668782US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Application No.: 09/494,765
Title: "Software Analysis System Having An Apparatus For
Selectively Collecting Analysis Data From A Target
System Executing Software Instrumented With Tag
Statements And Method For Use Thereof"
Filing Date: 01/31/00
Inventor: Derrick J. Birum, et al
Assignee: Metrowerks Corporation
Examiner: A. Khatri
Group: 2762
Docket No. 120073.420

Dear Commissioner:

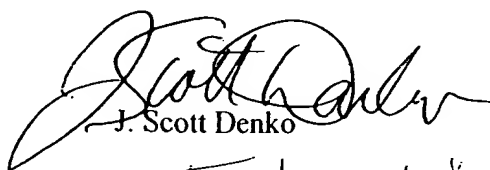
Enclosed for filing please find the following:

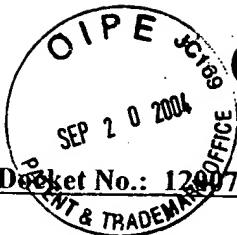
1. Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address; and
2. Statement Under 37 C.F.R. § 3.73(b).

Please return the postcard confirming your receipt of the enclosed materials.

Yours truly,

ANDREWS KURTH LLP


J. Scott Denko
Exhibit "C"



Attorney Docket No.: 129073.420

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Derrick J. BIRUM Group Art Unit: 2762
Application No.: 09/494,765 Examiner: A. Khatri
Filing Date: January 31, 2000 Confirmation No.: 3907

Title: SOFTWARE ANALYSIS SYSTEM HAVING AN APPARATUS FOR SELECTIVELY COLLECTING ANALYSIS DATA FROM A TARGET SYSTEM EXECUTING SOFTWARE INSTRUMENTED WITH TAG STATEMENTS AND METHOD FOR USE THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Technology Center 2100

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Sir:

METROWERKS CORPORATION, a corporation operating under the laws of the state of Texas, is an owner of the patent application identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application identified above, a copy of which is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application identified above, to METROWERKS CORPORATION as shown below:

1. From: Derrick J. BIRUM; Richard D. ELLIS & Jeffrey L. TINKER
To: APPLIED MICROSYSTEMS CORPORATION
The document was recorded in the U.S. Patent and Trademark Office at Reel 010533, Frame 0680.

2. From: APPLIED MICROSYSTEMS CORPORATION
To: METROWERKS CORPORATION
The document was recorded in the U.S. Patent and Trademark Office at Reel 013609, Frame 0862.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of METROWERKS CORPORATION.

Dated: 10/29/03

Signature: 

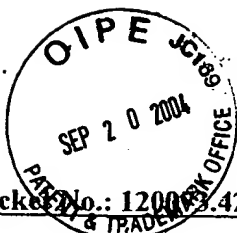
Name:

David Clifton

Title:

Vice-President of Segment Marketing

Company name: **METROWERKS CORPORATION**



Attorney Docket No.: 120003.420

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Derrick J. BIRUM, et al. **Group Art Unit:** 2762
Application No.: 09/494,765 **Examiner:** A. Khatri
Filing Date: January 31, 2000 **Confirmation No.:** 3907

Title: SOFTWARE ANALYSIS SYSTEM HAVING AN APPARATUS FOR SELECTIVELY COLLECTING ANALYSIS DATA FROM A TARGET SYSTEM EXECUTING SOFTWARE INSTRUMENTED WITH TAG STATEMENTS AND METHOD FOR USE THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REVOCATION OF POWER OF ATTORNEY WITH NEW POWER
OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS**

Sir:

In the above-referenced patent application, I hereby revoke all prior powers of attorney and appoint the **ANDREWS KURTH LLP** attorneys and agents associated with **Customer Number 36,485** to prosecute and maintain the patent application identified above and to transact all business in the Patent and Trademark Office connected therewith, including full power of association, substitution, and revocation.

Please address all telephone calls to: **J. Scott Denko** at (512) 320-9259.

Please address all correspondence to **J. Scott Denko** at the address corresponding to **Customer Number 36,485**, currently:

J. Scott Denko
ANDREWS KURTH LLP
Suite 1700
111 Congress Ave., Suite 1700
Austin, Texas 78701

I am the:

Assignee of record of the entire interest. (Statement under 37 C.F.R. § 3.73(b) is attached).

Dated: 10/29/03

Signature:

Name:

Title:

Company name: **METROWERKS CORPORATION**

David Clifton

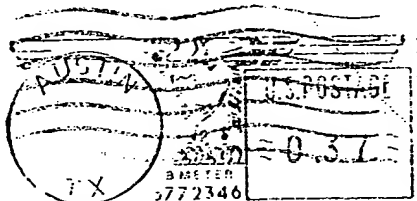
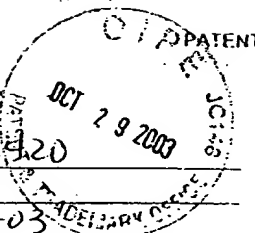
Vice-President of Segment Marketing



On the date stamped hereon, the following was received in the U.S. Patent and Trademark Office:

Applicant: BIRUM Docket No. 120073.420
Assignee: Metromer Resp. Atty: DENKO
Filing Date: 11/3/00 Date Mailed: 10-29-03
Serial No.: 09/494,765 Date Due: _____
Title: Software Analysis System Having An Apparatus
for selectively collecting analysis data...

<input checked="" type="checkbox"/> Transmittal Letter	<input type="checkbox"/> Check No. _____ for \$ _____
<input type="checkbox"/> Application PCT _____ Utility _____ Conversion _____	<input type="checkbox"/> Response to Office Action <input type="checkbox"/> Amendment
Prov _____ Div _____ Cont _____ CPA _____ Reissue _____	<input type="checkbox"/> Extension of Time Request _____ mos.
Spec _____ pages; Claims _____ pages	<input type="checkbox"/> Petition for _____
Drawings _____ pages; Abstract _____ pages	<input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Appeal Brief
<input type="checkbox"/> Declaration <input type="checkbox"/> POA	<input type="checkbox"/> Formal Drawings _____ sheets <input type="checkbox"/> Issue Fee
<input type="checkbox"/> Form 1449, IDS	<input type="checkbox"/> Maintenance Fee <input type="checkbox"/> Mntc Fee Addressee
<input type="checkbox"/> Assignment w/ Recordation Cover Sheet	<input type="checkbox"/> PCT Request _____ pages <input type="checkbox"/> PCT Fee Calc Sheet
<input type="checkbox"/> Cert. of Mailing, First Class	<input type="checkbox"/> Chapter II Demand for Substantive Examination
<input type="checkbox"/> Authorization to Charge Deposit Account	<input type="checkbox"/> Response to Invitation to Correct
50-0897	
<input checked="" type="checkbox"/> Cert. of Express Mail No. <u>E 1271 668 78245</u>	
<input checked="" type="checkbox"/> Other <u>Statement under 37 CFR 8.32(b)</u>	
<u>Revocation of POA with new POA and change correspondence address</u>	



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Technology Center 210

ATIN: INTELLECTUAL PROPERTY SECTION
ANDREWS & KURTH, L.L.P.
111 CONGRESS AVE., SUITE 1700
AUSTIN, TEXAS 78701-4069

A. Diden

650059.420

OTPE JUL
SEP 2 0 2004
MAIL OFFICE



EV 271668782 US



EXPRESS MAIL

UNITED STATES POSTAL SERVICE



Customer Copy
Label 11-F, June 2002

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 78701	Day of Delivery <input checked="" type="checkbox"/> First <input type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>
Date In Mo: 10 Day: 29 Year: 03	Time In <input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.65
Weight lbs. 24 ozs.	Return Receipt Fee	COD Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials LA	Total Postage & Fees \$ 13.65

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

CUSTOMER USE ONLY

METHOD OF PAYMENT:

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or Postal Service Acct. No.

FROM: (PLEASE PRINT)

PHONE

ANDREWS & KURTH
111 CONGRESS AVE STE 1700
AUSTIN TX 78701-4069
(MW 120073.420)
150331 / 9593

TO: (PLEASE PRINT)

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COMMISSIONER FOR PATENTS
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PRESS HARD.

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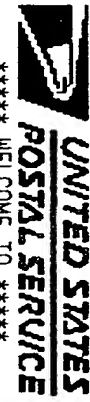
FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



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Technology Center 210



***** WELCOME TO *****
DOWNTOWN STATION
AUSTIN TX 78701-2924
10/29/03 04:28PM

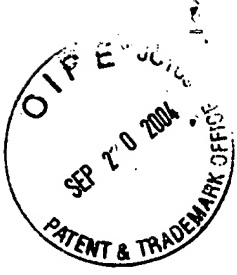
Store USPS
Wkstn sys5007
Cashier's Name ROBERT
Stock Unit id HERMOSILLO
PO Phone Number 800-275-8777
USPS # 4819830130

Exp. Mail PO-ADD 22313 0.00
Destination:
Weight: 2.4002
Postage Type: Affixed
Affix. Post.: -13.65
Total Cost: 13.65
Base Rate: 13.65
Label #: EV271668782US

Subtotal 0.00
Total 0.00

Number of Items Sold: 1

Thank You
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EV 434215616 US



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Customer Copy
Label 11-F June 2002

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)

PO ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$
Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee \$
Weight lbs. ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if address is not verified. If delivery employee judges that article can be left in secure location, employee's signature constitutes valid proof of delivery.		
Customer Signature		

CUSTOMER USE ONLY

METHOD OF PAYMENT:

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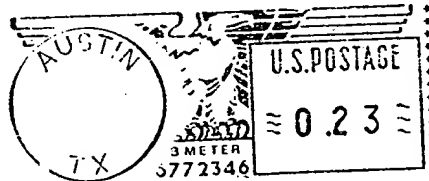




On the date stamped hereon, the following was
received in the U.S. Patent and Trademark Office:

RECEIVED PATENT

Applicant: Derrick Grimm Docket No. 650057-120
Assignee: Metroworks Corp Resp. Atty: Dennis
Filing Date: 1/31/00 Date Mailed: 4/16/04
Serial No.: 091494765 Date Due: _____
Title: Software Analysis System Having an Apparatus for Selective Collection
Analysis Data from a Target System...
☒ Transmittal Letter ☐ Check No. _____ for \$ _____
☐ Application PCT ___ Utility ___ Conversion ___
☐ Prov ___ Div ___ Cont ___ CPA ___ Reissue ___
☐ Spec ___ pages; Claims ___ pages ☐ Response to Office Action ☐ Amendment
☐ Drawings ___ pages; Abstract ___ pages ☐ Extension of Time Request ___ mos.
☐ Declaration ☐ POA ☐ Petition for _____
☐ Form 1449, IDS ☐ Notice of Appeal ☐ Appeal Brief
☐ Assignment w/ Recordation Cover Sheet ☐ Formal Drawings ___ sheets ☐ Issue Fee
☐ Cert. Of Mailing, First Class ☐ Maintenance Fee ☐ Mntc Fee Addressee
☒ Authorization to Charge Deposit Account ☐ PCT Request ___ pages ☐ PCT Fee Calc Sheet
50-0897 ☐ Chapter II Demand for Substantive Examination
☒ Cert. Of Express Mail No. EV 743421561645 ☐ Response to Invitation to Correct
☒ Other Petition to Withdraw Holder's Abandonment Based On
Failure to Answer Office Action



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